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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,903	10/26/2001	Stanley J. Checketts	PSSFGE	8701

7590 09/19/2002

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EXAMINER

NGUYEN, KIEN T

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 09/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,903

Applicant(s)

CHECKETTS, STANLEY J.

Examiner

Kien T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10, 15-21 and 26-50 is/are rejected.
- 7) ☒ Claim(s) 8, 11-14 and 22-24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s) ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 112

Claims 26-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26, lines 8-11, the limitation "said second housing" lacks antecedent basis. Also, the limitation "said holder passing the aperture in the closed first end" is confusing because the passing support or holder (2) does not physically pass through the aperture, only the cable does. Amendment and/or clarification are required.

Claims 32, 33, 43, 44, it was not clear whether the limitation "a second housing" is same as "said second housing" as set forth in the independent claim 26.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 15, 26, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Spieldiener et al. U.S. Patent 6,001,022.

Spieldeiner et al disclosed an amusement ride comprising a housing (3) with a bore, a closed first end (top) containing an aperture (aperture for cable outlet), a second end (bottom), and a side (4), a piston (5) slidably mounted within the bore, a holder (2) having a platform which could be interpreted as a movable platform, a cable (16) that exits through the aperture in the closed first end (top) and re-enters the housing through

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the second end (bottom) and being attached to the piston, means (7) for transferring force between the cable associated with the housing and the cable (2) passing through, at least one aperture (9, 10, 11, 12) in the side of the housing communicating with the atmosphere and with the bore of the housing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-7, 9, 10, 16-18, 20, 21, 28-32, 34, 35, 40-43, 45, 46, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Spieldiener et al.

Regarding claims 3-7, 15-17, 28-31, 40-42, it is noted that Spieldiener et al failed to specifically teach a fluid valve between the piston and the first end, and a separate supply valve located between the piston and the first as set forth in these claims.

However, Spieldiener et al indicated that the valve (18) may be located next to the fluid inlets (9) at the upper and lower ends of the housing (see column 4, lines 20-22).

Accordingly, it is conceivable that the valves could be placed between the piston and the first end of the housing, and since there are several fluid outlets located throughout the housing, it would have been a matter of design and within the teachings of Spieldiener that a separate valve could be located between piston and the first end.

Regarding claims 9, 18, 20, 32, 34, 43, 45, it is noted that Spieldiener et al failed to specifically teach a second housing with all of the structural features as set forth

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therein. However, since there is no direct connection between the first housing and the second housing claimed, the second housing is simply interpreted as a multiplication of the same part. Accordingly, it would have been a matter of design choice to provide more than one amusement ride in the same amusement park.

Allowable Subject Matter

Claims 8, 11-14, 19, 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 33, 36-39, 44, 47-50 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

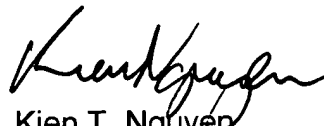
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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A handwritten signature in black ink, appearing to read 'Kien T. Nguyen', written in a cursive style.

Kien T. Nguyen
Primary Examiner
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Ktn
September 16, 2002